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May 9, 2019

MEMORANDUM FOR: CAPT Oliver Lewis, USN
Executive Secretary
Department of Defense

FROM: Christina Bobb 
Executive Secretary
Department of Homeland Security

SUBJECT: Request for Department of Defense (DoD) Detention
Facility Support to Department of Homeland Security
(DHS)

Overview

DHS is experiencing unprecedented changes in migratory patterns that have created a humanitarian crisis along the U.S. international border with Mexico. A decade ago, individuals who illegally crossed the border without documentation were primarily single adults. Today, the majority of illegal entries are made by family units and unaccompanied alien children from the Northern Triangle countries of El Salvador, Guatemala, and Honduras. This significant change in illegal alien demographics is compounded by the increasing number of large groups (100 or more), family units, and unaccompanied alien children presenting themselves at remote locations between ports of entry.

These changes in migration flow have vastly exceeded Customs and Border Protection (CBP) station and facility detention capacity. On May 6, U.S. Border Patrol (USBP) apprehensions for Fiscal Year 2019 (FY19) to date exceeded 489,897. This FY19 to date total is more than 85,000 greater than the entire FY18 apprehension total of 404,142 illegal aliens, representing a 121% increase over the same period in FY18. Furthermore, CBP has encountered more than 145 large groups of 100 people or more in FY19 to date, compared to a total of 13 large groups in all of FY18 and only two in FY17. These large groups have exhausted the capacity of USBP stations and the CBP Office of Field Operations at Ports of Entry.

CBP is currently holding over 17,000 aliens in custody along the southern border; over 8,000 are single adults amenable to immigration consequences. This unprecedented number of aliens in custody has put CBP at serious risk of exceeding safety standards on a regular basis. Similarly, U.S. Immigration and Customs Enforcement (ICE) is currently holding more than 50,000 aliens in custody and no longer has the capacity to intake any more single adults. CBP facilities nationwide are outdated, overcrowded and suffering from a lack of sufficient investment.

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CBP and ICE have taken extraordinary measures, including the release of certain family units directly to non-governmental agencies, to provide some relief to the detention crisis. Additionally, ICE Enforcement Removal Operations (ERO) personnel are now embedded within CBP facilities to increase file review and direct release of certain family units utilizing the alternative to detention program. Even with these steps, CBP and ICE have no detention space left for single adults in DHS custody. As of today, CBP has over 8,000 single adults in custody; that number has been increasing by 1,000 per week. In order to mitigate this crisis, DHS requests immediate DoD support to provide detention facilities and wraparound services with the exception of security services for 7,500 single adults in DHS custody.

Detention Facility Request

Listed in order of priority, DHS requests that DoD work with ICE ERO to construct temporary facilities at the below-listed locations to house and care for a minimum of 7,500 total single adult aliens that have been processed by CBP and turned over to ICE ERO custody. These locations are dependent on available CBP Border Patrol Station land, Port of Entry land, or GSA land and permitting/assessments. Land is available for construction within 75 miles of the locations listed below.

- | | |
|----------------|------------------|
| • Tornillo, TX | 2,500 bed spaces |
| • Donna, TX | 2,000 bed spaces |
| • Laredo, TX | 1,000 bed spaces |
| • Del Rio, TX | 500 bed spaces |
| • Tucson, AZ | 1,000 bed spaces |
| • Yuma, AZ | 500 bed spaces |

At each of the locations identified above, DHS requests that DoD:

- Build new facilities as close to CBP processing stations as possible for immediate transfer of CBP-processed aliens from CBP custody to ICE ERO custody
- Conduct land site preparation (e.g. clearing, grading, and road base establishment)
- Provide and construct sufficient climate-controlled soft-sided shelters
- Provide wrap-around services including, but not limited to, potable water; electricity generation/distribution; food preparation/service; sanitation (black and gray water removal/disposal, municipal solid waste removal/disposal, and medical and hazardous waste removal/disposal); medical support, and personal hygiene management (showers, toilets, and laundry)

ICE ERO will supervise overall detainee operations.

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DHS looks forward to addressing with DoD any legal restriction on the provision of services by DoD, including the possible deployment of the National Guard in Title 32 status.



DHS Overarching Goal

DHS's overarching goal is to secure and manage the nation's borders, and thereby ensure a safe and secure environment in which communities and businesses can thrive and people feel confident that the U.S. Government will respond to emergent law enforcement threats in a reliable and sustainable manner to maintain national security. Additionally, DHS's goal is to provide appropriate levels of health services to migrants in our custody.

DHS Objectives

- Prevent Terrorism and Enhance Security
- Secure and Manage U.S. Borders
- Maintain Humanitarian Assistance

End of Mission

DHS and DoD will continue to collaborate on planning requirements for ending the DoD support mission which will include a reasonable force drawdown period to support DoD redeployments once the DHS in-custody numbers reach a level that DHS can process and care for with organic assets.

Funding

DHS requests this support on a non-reimbursable basis.

Attachment: Detention Facility Requirements

TAB A – Detention Facility Requirements

Below are the detailed requirements for U.S. Immigration and Customs Enforcement (ICE) Enforcement Removal Operations (ERO) temporary facilities.

1. FACILITY LOCATION AND SIZE:

- Two (2) 500 Bed Soft Sided Facilities (Del Rio, Yuma)
- Two (2) 1,000 Bed Soft Sided Facilities (Tucson, Laredo)
- One (1) 2,000 Bed Soft Sided Facility (Donna)
- One (1) 2,500 Bed Soft Sided Facility (Tornillo)

2. BACKGROUND:

ICE requires additional capacity to accommodate the single adult (male and female) population arriving at the Southwest border. Temporary facilities are required to accommodate these single adults while other solutions are developed.

3. SCOPE:

ICE request Department of Defense (DoD) provide a turnkey solution to include temporary soft-sided facilities along with ancillary facilities and supporting mechanical, electrical, plumbing and other infrastructure to accommodate the housing, detention, care, and meals for up to 7,500 people at soft-sided facilities.

Other infrastructure includes but it is not limited to showers, laundry facilities, secured storage, sally port, CCTV coverage of all areas as determined by ICE, voice/data conduits and wire trays, voice/data drops, voice/data secured room/closet(s), voice/data fiber optic lines, exterior perimeter lights, perimeter fencing, secured parking, watchtowers, desks, chairs, benches, floor mats, disposable Mylar blankets, flat TV screens, chemical toilets and sinks and work areas for ICE personnel.

DoD for planning, should assume no electric service, no potable water, no wastewater connections or other utilities are available. DoD is requested to provide all utilities services, including generator power for the soft sided facilities. The temporary facility structures shall be utilized for detention purposes with area designated to serve as a multi-use intake, out-process, and medical building. DoD is requested to provide all material, services and labor in this Statement of Work (SOW) for ICE in areas along the SWB.

4. SPECIFIC TASKS: Below are the specific tasks, items, and services to be completed:

DoD will provide a turnkey solution to accommodate the housing, detention, care, and meals for 7,500 people, comprised of single adult males and females above 18 years of age including, but not limited to, all supporting infrastructure, facility operations, maintenance, and waste removal.

a. SITE PREPARATION: (NOTE: DETAILS WILL VARY BY SITE. THE FOLLOWING IS PROVIDED FOR PLANNING PURPOSES.)

For each site identified by DHS for a soft-sided detention facility, DoD will prepare the site by clearing and grubbing the existing vegetation and replacing the top 8" of topsoil with 18" of caliche (TXDOT Item 247, Type A, Grade 1). This shall provide for the building pad to be 10" above the surrounding natural ground and further ensure positive drainage. Once the topsoil is removed, the subgrade shall be compacted to a minimum 90% dry density before the caliche is placed. The caliche shall be placed in 6" lift increments and compacted to 95% dry density per lift. DoD shall ensure a firm and stable base for the deployment of the soft sided structures, ancillary equipment, access roads, and parking/maneuvering of all vehicles. In addition to access roads, DoD will also provide suitable well-drained walkways. All clearing and grubbing material must be removed off-site. DoD will leave and maintain a 20ft fire buffer zone outside the perimeter fence clear of vegetation.

DoD will obtain all necessary City, County, or State and Federal permits and comply with all local regulations. DoD will need to contact Texas811 for the state of Texas, before any excavations take place exceeding 18". DoD will ensure there are no utilities running through the proposed area as there could be oil/gas pipelines or irrigation lines running through the site. A building location site plan shall be provided so that any trenching for communication lines may be performed and conduits placed before the caliche is placed.

For planning purposes, DoD should not presume the availability or access to any utility connections.

DoD will run a fiber optic cable from the soft-sided facility site through an existing manhole and joint-boxes.

b. PRIMARY STRUCTURES

Primary soft-sided structure(s) or pod(s) will each accommodate detention, sleeping, and eating for at least 125 people per structure or pod. These pods should be arranged under a contiguous single large (approximately 40,000 SF) soft-sided structure with four interior pods for detention and another one for multi-use activities as described below. The pods should be connected via exterior secured corridor, shielded from weather. The final site configuration will be a function of the specific site selected for deployment of the soft-sided structures and the ICE operational needs at the select location.

DoD will provide durable and washable floor mats and disposable blankets for every person housed in these zones.

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Each detention structure or pod shall be segregated by chain link fencing into four separate holding zones; the zones shall be separated by a walkway at least 36" leading from one exterior doorway to the other. The detention structures shall have indoor chemical toilets, vented to the exterior of the structures and hand wash stations. It should include a secure work area for ICE officer/agents with worktop, voice/data drop, power outlets, chairs and area to store personal items.

The remainder of the building (pod) shall be an open concept with one raised (7') officer watch station suitable for two guards, constructed of wood, painted, and placed in the center of the open areas. The watch station shall have power outlets and a data drop. Temporary interior fencing shall be safely secure to the floor deck to prevent lifting, sliding, or removal. Fabric shall be mounted using tamper proof accessories. All pods are to be connected via a fully enclosed weather tight exterior corridor.

One structure or pod shall support multi-use activities. The layout of the multi-use structure shall be comprised of the following:

- Medical area with privacy screening
- Personal property tagging and storage area
- Supply storage
- Voice and Data secured closet/room
- Showers
- Chemical toilets vented to the exterior of the structure
- Clothing issuing area for processed individuals
- ICE work area.
 - Assume 15 work stations for each 500 beds
 - Include power, voice/data drop
 - Main CCTV monitoring stations
 - Watch commander station
 - Power for printers, facsimile and copy machines
 - Power for small commercial refrigerator and microwave

A fenced-in secure yard, not to exceed 3,000 sf, shall be provided for outside exercise/recreation.

DoD will provide a proposed location drawing and interior configuration drawing for ICE's review and approval prior to implementation to ensure the site and interior configurations fully supports ICE requirements and policy regulations.

DoD will provide adequate all weather fenced parking for employees and ICE personnel. Parking shall be illuminated at night.

DoD will provide improved route for drop off and pickup of detainees. Drop off and pickup cannot be on the same location and must be on opposite sides of intake structure.

c. FOOD SERVICE:

Meal #1 (Hot): Up to 7,500 per day dependent on location
Meal #2 (Hot): Up to 7,500 per day dependent on location
Meal #3 (Hot): Up to 7,500 per day dependent on location
Snacks: Up to 3,000 per day dependent on location for transport and late arrivals

Kitchen Equipment 1

Hot meals shall be served at 0700, 1300, and 1900.

d. SHOWERS:

No less than 40 shower heads (20 for male and 20 for female use) are required for every 500 detainees. Showers shall be installed very near to or connected to detention structures to facilitate safe and secure movement for ICE, DoD, and detainees. Shower space shall be conditioned and meet same temperature and air quality standards as the main structures. Shower area entry point(s) shall be screened for privacy.

e. CHEMICAL TOILETS & SINKS:

Provide chemical toilets with daily service. Toilets shall be placed in a manner that supports frequent servicing without disruptions or security vulnerabilities.

Provide hand wash sinks with daily service.

One (1) toilet and sink is required for every 12 detainees.

f. LAUNDRY

Provide stacked washer and dryer units. One (1) unit is required for every 17 detainees.

g. HOUSING COMPONENTS

Provide one (1) washable foam mat and Mylar blanket per detainee. Mats shall be no less than 72" x 24" x 3". Detention areas shall be scaled to provide 60 square feet per sleeping mat if possible.

h. FLOORING

All floors shall be raised wood floors with impervious floor coverings such as linoleum, vinyl, or composite material to allow for effective cleaning and sanitation to include cleanup of bodily fluids and other such hazards. The flooring solution shall prevent the accumulation of liquids or dirt in areas that cannot be effectively cleaned and sanitized routinely as identified further in this request.

i. TELEPHONES

Legal and policy stipulations require detainees are provide access to telephones. DoD will provide one (1) phone for every 25 detainees.

j. WATER DELIVERY & REMOVAL

DoD will arrange for fresh water delivery and gray water removal. DoD will provide bottled water in sufficient quantities to accommodate all detainees 24/7.

k. ANCILLARY COMPONENTS

DoD will provide redundant power generators. If shore power is used, emergency power generators are required as a contingency to support 100% of the facility for at least 72 hours continuous. For planning purposes, the below planning factors are provided based on a 500 bed space facility.

- 10 x Light towers
- 5 x Dumpsters
- 2- x 30 gal trash bins
- 21 x tables appx. 48"x30
- 21 x tables appx. 72"x30"
- 300 x chairs
- Fire extinguishers per NFPA.
- Fire exit routes per NFPA.
- Smoke detectors per NFPA.
- 1 x 2-way radio for each DoD staff member.
- 3 x golf cart type vehicles available for ICE use
- 2 x flat screen television sets per structure with DVD capability. TVs shall be securely mounted to a constructed wall or to a post; mounting location to be approved by COR.
- 1 x elevated mountings for ICE heavy-duty Wi-Fi routers per pod
- Cabling: Fiber cabling for voice and data service.
- Fencing: The perimeter shall be enclosed by 7' chain link plus 3' wire barbed wire outrigger. Two (2) vehicle and Two (2) personnel gates shall be included with perimeter fencing. Fencing shall be used for the entire perimeter, and between structures to not allow detainees between buildings. Fencing not on the perimeter shall not be barbed. Fencing shall also be used on the interior of structures in areas designated by ICE to control movement of people and for security. All fencing shall be installed in such a way that does not a pose tripping hazard, and does not expose occupants to safety hazards such as from sharp edges. All interior and exterior gates must have the ability to lock. All fencing and gates, whether interior or exterior to the structures, shall be appropriate for the designated detention use of the facility, shall be of a sturdy and secure nature, and all gates shall use true gate hardware with latches and hinges. All perimeter fence fabric shall be secure to the ground in a way to prevent individuals from crawling under the mesh or lifting the same.

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- 4 x storage connex boxes per 500 detainees equipped with shelving for detainee property storage. Shelving shall be sturdy enough to hold large suitcases.

I. STRUCTURES

Soft-Sided Housing (60sqft/person): This includes an allowance of 35 square feet per detainee of open space plus 12 square feet to account for sleeping mat space, plus 1 sf allowance for toilets (considered at a ratio of 1:25 detainees at 25 sf per toilet) plus 1.2 sf per detainee for ABA compliance (25 sf for 1:20 ratio of accessible spaces), plus 10 sf allowance for staff supervision space, shower access or other and minor support spaces. This is not inclusive of separate space for health clinics, administrative space, processing space, food service other than minor distribution, laundry facilities, or warehouse.

Structure envelope shall be weather-tight, wind rated at least 78mph and preferably rigid siding. Seals between sidewalls, ceiling, flooring system, and partitions shall be sealed weather tight and shall be sealed to prevent mosquito, flies, and vermin infiltration and to prevent the movement of people or the passing of objects between adjacent spaces or to the exterior.

Exterior doors shall be opaque and shall include panic bars for security as well as to support rapid egress. All doors shall be sealed and weather-tight. All entry way shall have a canopy cover.

Structures shall be kept pest and vermin free.

Ventilation shall be functional and maintained, with air quality and environmental conditions at levels comfortable for human occupancy.

Temperatures shall be maintained constantly between the range of 66-78 degrees Fahrenheit.

Kitchen

Laundry Facility (50x66)

Showers and wash

Office Space

Power & HVAC. Proper cord and cable management shall be required to ensure safety.

m. DIESEL FUEL

Sufficient amounts required to run the site 24/7.

DoD STAFFING for every 500 beds:

Site Lead/Base Camp Mgr	1
Admin/Check-in	1
Safety / QC	1
Facilities	1
Cleaning/Laundry	4
Maintenance	2
Kitchen Staff	6
Tent Staff	6
Power & HVAC	1
Total	23

n. Interior and perimeter CCTV:

A stand-alone wired system (not wireless) with 90 Day High Definition DVR recording capability shall be provided. The system shall provide 360 degree, unobstructed views of all internal and external areas of the facility, including but not limited to parking, entryways, gates, exterior perimeter, walkways, detention areas, recreation area, and other areas as determined by ICE.

o. Gun Lockers:

Shall be included for each detention structure and for the multi-use structure: one unit per structure to accommodate 10 pistols per unit, with individual keyed lock boxes for each pistol.

p. Communications:

DoD will need to equip each security staff with a two-way radio. DoD will need to provide a radio base station and 10 radios for government use.

q. Facility Cleaning & Upkeep:

ICE is requesting that DoD perform the below functions:

Clean and sanitize the facility once per day.

Provide the capacity to provide for cleaning and sanitation for emergency conditions when more frequent or intensive cleaning is required.

Clean all horizontal surfaces using an EPA-certified hospital grade disinfectant-detergent solution mixed according to the manufacturer's directions.

Use double-bucket mopping technique in the holding areas whereby the sanitizing solution application is followed with clean water mopping to prevent the build-up of detergent product on surfaces.

Clean mop heads shall be available and replaced as necessary to maintain sanitary conditions.

All carpets shall be vacuumed to maintain a clean and professional environment.

Any damaged or soiled flooring shall be replaced by DoD.

Spray bottle and wet-wipe cleaning shall be used on horizontal surfaces off the floor to maintain sanitized conditions.

Portable toilets shall be serviced and cleaned more frequently than standard during emergency/high detainee periods.

Disease vector extermination shall be in effect throughout the period of performance to prevent infestations of insects or other vermin, with possible increase during high volume detainee occupancy.

Air processing equipment (air conditioning/ventilators) shall be cleaned regularly to prevent build-up of dirt, mold, etc.

HVAC filters and/or pre-filters shall be replaced at shorter intervals when increased populations are present to avoid overloading and possible spread of infections.

r. Mobilization and Demobilization:

At the completion of the period of performance, ICE requests that DoD return the site to substantially the same condition as prior to the start of performance.

5. CONDITIONS OF COMMAND STRUCTURE:

Only ICE has the authority to approve and authorize any changes to the request. Any deviation from the original scope of work shall be coordinated with ICE before work begins. No additional work or changes will be carried out without a request modification.

6. RESPONSIBILITIES OF DOD:

Provide, as key personnel, one Site Lead/Base Camp Manager and one alternate, who will be responsible for day to day direction of DoD personnel, and any administrative functions related to the employment of DoD personnel assigned to the contract (e.g., time keeping, pay, leave, etc.). Should DoD personnel have any questions or concerns regarding performance, they should direct them to the Site Lead/Base Camp Manager or his/her alternate, who will relay them to the ICE supervisor as necessary.

DoD personnel will be required to report on duty to ensure the facility is fully staffed and operational at all times that the facility remains open, even in the event of an emergency. All DoD personnel will be required to perform responsibilities and duties as detailed within the "Post Orders" developed and issued by local ICE management, contained within the Standard Operating Procedure, and incorporated here by reference.

PERSONNEL (list for ICE to conduct vetting through OPR) DOD SHOULD PROVIDE ONLY LAWFUL PERMANENT RESIDENTS AND UNITED STATES CITIZENS. ALSO, PERSONNEL ON SITE WILL NOT HAVE ENGAGED IN SEXUAL ABUSE IN A PRISON, JAIL, HOLDING FACILITY, COMMUNITY CONFINEMENT FACILITY, JUVENILE FACILITY, OR OTHER INSTITUTION (AS DEFINED IN 42 U.S.C. 1997); BEEN CONVICTED OF ENGAGING OR ATTEMPTING TO ENGAGE IN SEXUAL ACTIVITY FACILITATED BY FORCE, OVERT OR IMPLIED THREATS OF FORCE, OR COERCION, OR IF THE VICTIM DID NOT CONSENT OR WAS UNABLE TO CONSENT OR REFUSE; OR BEEN CIVILLY OR ADMINISTRATIVELY ADJUDICATED TO HAVE ENGAGED IN SUCH ACTIVITY.

DoD will provide ICE with a list of all anticipated on-site personnel in a timely manner to allow for vetting. The list shall include full name, sex, current address, date of birth, social security numbers, and driver's license information to include state and number.

Prison Rape Elimination Act Compliance (PREA)

DoD must comply with the requirements of the Department of Homeland Security (DHS) regulation titled, "Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities," 79 Fed. Reg. 13100 (Mar. 7, 2014) known as the DHS Prison Rape Elimination Act (PREA) Standards, and with all agency policies and standards related to the DHS PREA Standards for preventing, detecting, monitoring, investigating, and eradicating any form of sexual abuse within facilities/programs/offices owned, operated, or contracted. DoD shall ensure that each facility maintains sufficient supervision of detainees, including through appropriate staffing levels and, where applicable, video monitoring, to protect detainees against sexual abuse.

DoD acknowledges that, in addition to self-monitoring requirements, ICE will conduct compliance monitoring and PREA Standards require an outside independent audit. This requirement includes training of all DoD staff who may have contact with holding facility detainees to be able to fulfill their responsibilities under the DHS PREA Standards, including training on:

- (1) The agency's zero-tolerance policies for all forms of sexual abuse;
- (2) The right of detainees and employees to be free from sexual abuse, and from retaliation for reporting sexual abuse;
- (3) Definitions and examples of prohibited and illegal sexual behavior;
- (4) Recognition of situations where sexual abuse may occur;
- (5) Recognition of physical, behavioral, and emotional signs of sexual abuse, and methods of preventing such occurrences;
- (6) Procedures for reporting knowledge or suspicion of sexual abuse;
- (7) How to communicate effectively and professionally with detainees, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming detainees; and
- (8) The requirement to limit reporting of sexual abuse to personnel with a need-to-know in order to make decisions concerning the victim's welfare and for law enforcement or investigative purposes.

7. DELIVERABLES AND DELIVERY SCHEDULE:

DoD is responsible for all supplies and labor needed to complete work as stated. All work will be completed in a timely manner.

8. ENVIRONMENTAL:

DoD is responsible for working with ICE to ensure they are complying with all applicable environmental regulations and laws.

9. SUBSTITUTIONS AND EQUIVALENT ITEMS:

Substitutions or use of equivalent items can only be used if authorized by the USBP.